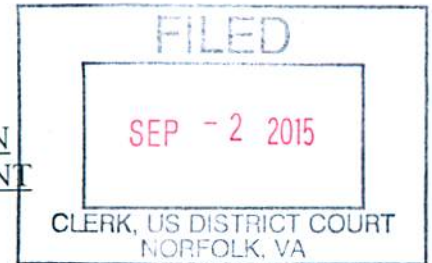


AFFIDAVIT IN SUPPORT OF APPLICATION  
FOR ISSUANCE OF A CRIMINAL COMPLAINT



I, David J. Desy, being first duly sworn state:

1. I have been a Special Agent (SA) with the Federal Bureau of Investigation (FBI) since March 2004. As part of my daily duties as an FBI agent, I investigate criminal violations relating to child exploitation and child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A, computer fraud, financial institution fraud, internet fraud, wire and mail fraud, money laundering, identity theft, copyright infringement, and terrorism. Since joining the FBI, I have received specialized training in forensic software/hardware, child/adolescent interviewing, computer design and networking, computer intrusion investigations, fraud investigation methods, money laundering and asset forfeiture, informant development, major case management, and victim advocacy. I have had the opportunity to observe and review numerous examples of child pornography (as defined in Title 18 U.S.C. § 2256(8)) in all forms of media including computer media.
2. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.
3. This affidavit is being made in support of an application for an arrest warrant for **Adam CAIN** for production of child pornography, in violation of 18 U.S.C. § 2251, and for transportation of a minor with intent to engage in criminal sexual activity, in violation of 18 U.S.C. § 2423(a).
4. I have assisted in the investigation of the offenses described in this affidavit. As a result of my participation in this investigation, a review of the evidence, and in speaking with other law enforcement officers, I am familiar with the circumstances of this on-going investigation. I have not included each and every fact known to me in this affidavit, but only the facts I believe are necessary to establish probable cause to believe **Adam CAIN** committed violations of 18 U.S.C. §§ 2251 and 2423(a).

LEGAL AUTHORITY

5. 18 U.S.C. § 2251(a) prohibits a person from employing, using, persuading, inducing, enticing, or coercing any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

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6. 18 U.S.C. § 2423(a) prohibits a person from knowingly transporting an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense.

7. North Carolina General Statute § 14.27A prohibits a person from engaging in vaginal intercourse or a sexual act with another person who is 13, 14, or 15 years old and the person is at least six years older than the person.

### **BACKGROUND OF THE INVESTIGATION**

8. On August 24, 2015, Norfolk FBI was requested by Windsor Police Department to assist in an investigation regarding ADAM CAIN, 40 years old, possibly having a sexual relationship with a 15 year old minor female, Jane Doe, who is a relative of CAIN. CAIN is a convicted sex offender. His previous conviction was in February 2013 for having indecent liberties with a minor. Windsor Police informed me that the victim in the former case was a 12 year old relative of CAIN.

9. Windsor Police Department received information from M.M., a resident of Windsor, VA, who is another relative of Jane Doe, that CAIN was traveling from North Carolina, where he resides, to meet with Jane Doe in Windsor to have sexual relations.

10. I met with M.M., and she stated that she took back a Kindle tablet that Jane Doe was using that was owned by M.M. Jane Doe was not supposed to be using social media and M.M. found out that she had a Facebook account. Upon reviewing the tablet, M.M. found that Jane Doe was having discussions with CAIN about romantic and sexual topics. CAIN has on multiple occasions picked up Jane Doe and brought her to stay in North Carolina at his residence. M.M. confronted Jane Doe, who admitted that the suspect had purchased her underwear and sex toys. Jane Doe lives with her grandparents in Windsor, who have guardianship over her.

11. The suspect in this case is a convicted sex offender in NC. He is on probation and is not allowed to be alone with a minor child and, as part of his state-imposed supervised release, is subject to warrantless searches of his property. I contacted his probation/parole officer (P/O) with the North Carolina Department of Public Safety Adult Correction and Juvenile Justice Community Corrections. The P/O stated that she has the authority to search his property, to include electronic devices, without a warrant. She agreed to conduct a search of CAIN's property, but requested FBI assistance with technical matters during the search.

12. Windsor Police identified Jane Doe's and ADAM CAIN's Facebook accounts, on which the two had been talking to each other.

13. On August 25, 2015, I and other FBI law enforcement assisted the P/O in conducting a search of CAIN's property in Roanoke Rapids, NC, to include his computers, cell phone, and digital media storage devices. During this search, I interviewed CAIN regarding concerns that he may have a sexual relationship with Jane Doe.

14. During the interview, CAIN admitted to communicating to Jane Doe via the above Facebook accounts and via texts, saying that he was leading her on in the belief that they were in a romantic relationship. He said he did this because she was depressed and suicidal. CAIN said that Jane Doe has an infatuation with CAIN. CAIN said that they had never kissed on the lips or touched each other sexually. CAIN admitted to providing Jane Doe with lubricant for sex, which she called a sex toy, and to sending her pictures of underwear and buying her underwear and a skirt. CAIN said that Jane Doe stayed at his residence three times in the recent past, and slept in the room adjacent to his. CAIN drove to pick up Jane Doe in Windsor, VA, and bring her back to his residence in Roanoke Rapids, NC, by himself. He has also brought her back to Windsor, VA, by himself. He said the last time she visited was about two weeks ago and that she stayed for a week. CAIN is married and has a one year old daughter, though his wife and daughter do not always stay at his residence. He also lives with his mother, step-father, brother, and cousin.

15. I asked CAIN about the following chat between CAIN and Jane Doe dated 08/08/2015:

CAIN: yes baby  
JANE DOE: I don't think we will have kids  
CAIN: why you say that  
JANE DOE: I don't want to talk about it  
CAIN: baby have some faith  
JANE DOE: I'm hurting and think I'm going to start soon.  
JANE DOE: I'm just going to cry the rest of the month.  
CAIN: baby we gave to try when yer most fertile so what if it did not happen now we have time ok.

16. In response to this, CAIN stated that Jane Doe has been sleeping with a boy around where she lives and telling CAIN about it. He said they were talking about this boy and does not know why he used the term "we" in the last sentence.

17. When I asked if there was anything of note that would be found on his computers or phone, CAIN said that a few weeks ago, after Jane Doe left, he went down to Wilmington, NC, had sex with an adult woman and took pictures of her. The pictures were of the purported adult's vagina and one of her buttocks as she lay on a bed. The FBI found these pictures on CAIN's iPhone during the search.

18. During the interview CAIN agreed to take a polygraph on 09/01/2015, at the FBI offices in Chesapeake, VA.

19. FBI obtained reports from their onsite review of CAIN's electronics. On 08/31/2015, I reviewed the images on the forensic report for CAIN's cell phone. They noted that the geo-location data for the five explicit pictures resolved to CAIN's address in Roanoke Rapids, NC, and not to Wilmington, North Carolina. Looking at the dates, one picture, IMG\_0635.JPG, depicts a nude close-up of a female's vagina with her legs spread apart on a green sheet with a skirt pulled up and was taken on 08/05/2015. The other four sexually explicit pictures were all taken on 08/08/2015. IMG\_0637.JPG, depicts what appears to be the naked buttocks of a female showing her vulva, with the lower portion of a gray shirt and blue pants or jeans pulled down.

The female is lying on a green sheet. IMG\_0638.JPG, IMG\_0639.JPG, and IMG\_0640.JPG all depict a nude close-up of a female vagina with her legs spread and a naked stomach pressed against the vagina. The female in these three pictures appears to be wearing a gray shirt and a black skirt with hazy white stripes. Among the pictures of female underwear that were on CAIN's phone was a picture of a black skirt with hazy white stripes, hanging on a rack in what appears to be a store. This picture, IMG\_0621.JPG, was taken on 07/14/2015 and geo-locates to the Walmart in Roanoke Rapids, NC.

20. Additionally, looking at CAIN's text messages on his cell phone, I identified the following texts between CAIN and his wife on 08/08/2015, which appear to show that his wife was not at his house during that time period:

WIFE'S CELL : 02:21:23 (GMT): Are u sleep

WIFE'S CELL : 02:59:37 (GMT): Good night honey i hope you sleep well tonight. I love you always honey xoxoxoxoxo i miss you honey xoxoxoxoxo

WIFE'S CELL : 12:40:34 (GMT): Good morning sweet heart i hope your day is fantastic. I love you always sweet heart & i miss you xoxoxoxoxo i waited for you to call me last night

CAIN: 17:31:33 (GMT): goodafternoon sorry i just got up awhile ago took my sleeping meds wont dothat again

WIFE'S CELL : 17:57:50 (GMT): Ok do u know when we can come back. im thanking bout coming to get some of Hope's wic today so she has some milk

CAIN : 17:59:44 (GMT): ok come on i m on my way to tale [Jane Doe] home ill be home later but you can come and we will see. how it goes [Administrative note: 'tale' is possibly a typo for 'take']

21. On 09/01/2015, CAIN drove to the FBI in Chesapeake, VA. He was informed of his *Miranda* rights and signed a waiver.

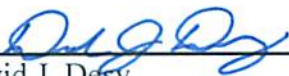
22. CAIN was administered a polygraph concerning his sexual activity with children, which he failed regarding whether he has had any sexual contact with children. During an interview with the FBI polygrapher, CAIN admitted to having sex with Jane Doe on 08/08/2015. He also admitted that she is the female in all of the sexually explicit pictures found on his cell phone. CAIN admitted to taking the picture of Jane Doe's vagina on 08/05/2015 and the picture of her buttocks on 08/08/2015. He said that he let Jane Doe use his cell phone to take the other three pictures, which were of her on top of CAIN after they had just had sex.

23. CAIN stated that he and Jane Doe had been talking for some time prior to 08/05/2015, which included romantic and sexually explicit talk about what they would do when they were together. CAIN also stated that he took his phone that contained the sexually explicit images with him when he drove Jane Doe to Virginia.




24. Based on the information and evidence set forth above, I respectfully submit that there is probable cause to believe that **Adam CAIN** has committed the following offenses: (a) on or about August 5, 2015, and August 8, 2015, in the Eastern District of Virginia, and elsewhere, did employ, use, persuade, induce, entice, and coerce minors, namely Jane Doe, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, and such visual depictions were produced using materials that had been mailed, shipped, and transported in interstate and foreign commerce by any means, including by computer, and such visual depictions had actually been transported in interstate and foreign commerce, in violation of 18 U.S.C. § 2251(a), and (b), on or about August 5, 2015, in the Eastern District of Virginia, and elsewhere, did knowingly transport an individual who had not attained the age of 18 years, namely Jane Doe, who was 15 years old, in interstate commerce with intent that the individual engage in any sexual activity for which any person could be charged with a criminal offense, namely North Carolina Gen. Stat. § 14.27A, in violation of 18 U.S.C. § 2423(a).

25. Accordingly, I request that a warrant be issued authorizing the arrest of **Adam CAIN**.

  
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David J. Desy  
Special Agent  
Federal Bureau of Investigation

Sworn to before me this 2<sup>nd</sup> day of September, 2015.

  
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United States Magistrate Judge  
Eastern District of Virginia